

GREGORY G. GIANFORCARO, ESQ.
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Attorney for Plaintiff

JOHN DOE,

Plaintiff,

vs.

DELBARTON SCHOOL, its agents, servants
and/or employees, **ST. MARY'S ABBEY**, its
agents, servants and/or employees; **THE ORDER**
OF ST. BENEDICT, its agents, servants and/or
employees; **TIMOTHY BRENNAN**, a former
priest, agent, servant and/or employee of the
defendants, Delbarton School, St. Mary's Abbey
and/or The Order of St. Benedict.

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION-GENERAL EQUITY
: MORRIS COUNTY

: DOCKET NO.:

: CIVIL ACTION

: **COMPLAINT**

The plaintiff, JOHN DOE, by way of complaint against the defendant, says:

STATEMENT OF FACTS AS TO ALL COUNTS

1. Plaintiff was sexually abused at defendant, Delbarton School by defendant, Timothy Brennan, when the plaintiff was a minor.
2. As a result of the aforementioned sexual abuse, defendant, Timothy Brennan, was publically criminally prosecuted.
3. In the year of approximately 1988, a settlement agreement was entered into between the plaintiff and defendants, Delbarton School, The Order of St. Benedict and Timothy Brennan, for an undisclosed amount.

4. Part of the terms of the settlement agreement was that there be a "confidentiality agreement" entered into. This "confidentiality provision" was applicable to both the plaintiff and the defendants.

5. On or about June 14, 2002, The United States Conference of Catholic Bishops (USCCB) approved and authorized the publication of the "Charter for the Protection of Children and Young People." In that Charter, it specifically indicates in ARTICLE 1 that "Diocese/eparchies will reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being."

The Charter also specifically states in ARTICLE 7 that "Each diocese/eparchy will develop a communications policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, dioceses/eparchies will deal as openly as possible with members of the community." **(See copy of Charter for the Protection of Children and Young People attached hereto as EXHIBIT "A").**

6. On or about July 5, 2002, a letter was sent by The Right Reverend Thomas J. Confroy (the President of Delbarton and the Abbot of St. Mary's Abbey at that time) addressed to "Parents, Alumni, Trustees and Friends." This letter addressed "recent press reports of new charges of sexual misconduct" throughout St. Mary's Abbey and Delbarton School and the "steps the School has taken over a period of years to ensure the safety of students at Delbarton. **(See copy of July 5, 2002 letter attached hereto as EXHIBIT "B").**

In part, that letter stated the following:

"While it is painful for us to see old wounds reopened and to confront new allegations, we are resolved to see the process through with openness, candor and fairness to all concerned." **(See Page 1, Paragraph 2).**

"Beyond our direct responsibilities to the authorities at the time of the allegation, we were sensitive to the need for the greater community to know the facts. (See Page 1, Paragraph 7).

"Although the Order is autonomous in many respects, we will support the Charter for the Protection of Children and Young People by the U.S. Conference of Catholic Bishops adopted three weeks ago in Dallas." (See Page 3, Paragraph 3).

"Moreover, the policy of openness that we demonstrated in dealing with the news media fifteen years ago is the same policy we are pursuing to day. While communication on these subjects is difficult, such efforts are essential for the preservation of trust and to the long-term reputation of both this monastic and educational community." (See Page 4, Paragraph 2).

"We recognize and accept our responsibility for the safety of those entrusted to our care. The policies being adopted and implemented, both here at the Abbey and throughout the nation, represent practical new advances in the prevention and reporting of wrongdoing against children." (See Page 4, Paragraph 3).

"I now invite you to join me in fervent prayer . . . and that all who have been hurt by any form of abuse will experience healing and peace." (See Page 4, Paragraph 4).

7. On or about October 18, 2002, plaintiff, through his prior counsel, requested the defendants' to voluntarily waive the confidentiality provisions of the settlement agreement at that time.

8. On or about October 28, 2002, in response to plaintiff's request, the defendants responded that "the Abbey [would] have nothing but harm facing [them] if any such disclosures are made by anyone about that event." The letter went on to state that:

"Our potential damages are very real here given the fact that other claimants may seek money from use for alleged harm committed by alleged offenders decades ago and about which we have no specific knowledge.

We will vigorously seek to enforce the provisions of Paragraph J(3) of the Settlement Agreement, and we will demand (and I do so now in this letter) that if you, or your clients, attempt to disclose, publically, any of

the provisions of the 1988 settlement, without adhering to the specific provisions of Paragraph K(3) of the Settlement Agreement, you and your firm, and your clients, will be held personally responsible for any harm or damages caused to St. Mary's Abbey."

COUNT ONE

AS TO ALL DEFENDANTS

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 8 of the Complaint as if set forth herein at length.

2. As previously set forth herein, on or about June 14, 2002, The United States Conference of Catholic Bishops (USCCB) approved and authorized the publication of the "Charter for the Protection of Children and Young People." In that Charter, it specifically indicates in ARTICLE 1 that "Diocese/eparchies will reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being."

The Charter also specifically states in ARTICLE 7 that "Each diocese/eparchy will develop a communications policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, dioceses/eparchies will deal as openly as possible with members of the community."

3. As previously set forth herein, on or about July 5, 2002, in the letter from The Right Reverend Thomas J. Confroy (the President of Delbarton and the Abbot of St. Mary's Abbey at that time), the defendants' representative declared their promise to adopt a policy of "openness, candor and fairness" to individuals who were sexually abused while attending Delbarton School, as well as the defendants' adoption and implementation of practical new advances in the prevention and reporting of wrong-doing against children. These declarations and promises constitute a clear modification of their policies regarding confidentiality for victims of childhood sexual abuse and accordingly, represent a

desire to eliminate any past, present or future policies pertaining to confidentiality. As such, the plaintiff's confidentiality clause should be deemed null and void.

4. As previously set forth herein, on or about October 18, 2002, the plaintiff requested that he be released from the confidentiality provision of the settlement agreement and on October 28, 2002, that request was denied by the defendants through their representative. The denial included but was not limited to a threat against the plaintiff and his counsel that if they ever breached the confidentiality clause in the settlement agreement, the defendants would hold them "personally responsible for any harm or damages caused to St. Mary's Abbey.

5. Such confidentiality provisions are against public policy and in the case regarding the confidentiality provision set forth herein, it contained no penalty should the defendants breach the said confidentiality provision, it only contained a penalty if the plaintiff breached the confidentiality provision, thereby making it null and void.

WHEREFORE, for the reasons set forth above, the plaintiff demands judgment against the defendants for the "confidentiality clause" section of the 1988 Settlement Agreement and Release to be deemed null and void, with the remainder of the said Settlement Agreement and Release to remain in full force and effect.

Dated:

6/29/12



GREGORY G. GIANFORCARO
Attorney for Plaintiff

EXHIBIT "A"

Charter for
the Protection of
CHILDREN
& YOUNG
PEOPLE



UNITED STATES CONFERENCE OF CATHOLIC BISHOPS



Charter for
the Protection of
CHILDREN
YOUNG
PEOPLE



UNITED STATES CONFERENCE OF CATHOLIC BISHOPS
Washington, D.C.

he document *Charter for the Protection of Children and Young People* was developed by the Ad Hoc Committee on Sexual Abuse of the United States Conference of Catholic Bishops (USCCB). It was approved by the full body of U.S. Catholic bishops at its June 2002 General Meeting and has been authorized for publication by the undersigned.

Msgr. William P. Fay
General Secretary, USCCB

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The Church in the United States is experiencing a crisis without precedent in our times. The sexual abuse of children and young people by some priests and bishops, and the ways in which we bishops addressed these crimes and sins, have caused enormous pain, anger, and confusion. Innocent victims and their families have suffered terribly. In the past, secrecy has created an atmosphere that has inhibited the healing process and, in some cases, enabled sexually abusive behavior to be repeated. As bishops, we acknowledge our mistakes and our role in that suffering, and we apologize and take responsibility for too often failing victims and our people in the past. We also take responsibility for dealing with this problem strongly, consistently, and effectively in the future. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people are enduring.

We, who have been given the responsibility of shepherding God's people, will, with God's help and in full collaboration with our people, continue to work to restore the bonds of trust that unite us. Words alone cannot accomplish this goal. It will begin with the actions we take here in our General Assembly and at home in our dioceses/eparchies.

The damage caused by sexual abuse of minors is devastating and long-lasting. We reach out to those who suffer, but especially to the victims of sexual abuse and their families. We apologize to them for the grave harm that has been inflicted upon them, and we offer them our help for the future. In the light of so much suffering, healing and reconciliation are beyond human capacity alone. Only God's grace, mercy, and forgiveness can lead us forward, trusting Christ's promise: "for God all things are possible" (Mt 19:26).

The loss of trust becomes even more tragic when its consequence is a loss of the faith that we have a sacred duty to foster. We make our own the words of our Holy Father: that sexual abuse of young people is "by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God" (Address to the Cardinals of the United States and Conference Officers, April 23, 2002).

The Conference of Bishops has been addressing the evil of sexual abuse of minors by a priest and, at its June 1992 meeting, established five principles to be followed (cf. Ad Hoc Committee on Sexual Abuse, National Conference of Catholic Bishops, *Restoring Trust*, November 1993). We also need to recognize that many dioceses and eparchies did implement in a responsible and timely fashion policies and procedures that have safeguarded children and young people. Many bishops did take appropriate steps to address clergy who were guilty of sexual misconduct.

Let there now be no doubt or confusion on anyone's part: For us, your bishops, our obligation to protect children and young people and to prevent sexual abuse flows from the mission and example given to us by Jesus Christ himself, in whose name we serve.

Jesus showed constant care for the vulnerable. He inaugurated his ministry with these words of the Prophet Isaiah:

The Spirit of the Lord is upon me,
because he has anointed me
to bring glad tidings to the poor.
He has sent me to proclaim liberty to captives
and recovery of sight to the blind,
to let the oppressed go free,
and to proclaim a year acceptable to the Lord. (Lk 4:18)

In Matthew 25, the Lord made this part of his commission to his apostles and disciples when he told them that whenever they showed mercy and compassion to the least ones, they showed it to him.

Jesus extended this care in a tender and urgent way to children, rebuking his disciples for keeping them away from him: "Let the children come to me" (Mt 19:14). And he uttered the grave warning about anyone who would lead the little ones astray, saying that it would be better for such a person "to have a great millstone hung around his neck and to be drowned in the depths of the sea" (Mt 18:6).

We hear these words of the Lord as prophetic for this moment. With a firm determination to resolve this crisis, we bishops commit ourselves to a pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church. We renew our determination to provide safety and protection for children and young people in our church ministries and institutions. We pledge ourselves to act in a way that manifests our accountability to God, to his people, and to one another in this grave matter. We commit ourselves to do all we can to heal the trauma that

victims/survivors and their families are suffering and the wound that the whole Church is experiencing. We acknowledge our need to be in dialogue with all Catholics, especially victims and parents, around this issue. By these actions, we want to demonstrate to the wider community that we comprehend the gravity of the sexual abuse of minors.

To fulfill these goals, our dioceses/eparchies and our national conference, in a spirit of repentance and renewal, will adopt and implement policies based upon the following.

ARTICLE 1. Dioceses/eparchies will reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation. Where such outreach is not already in place and operative, each diocese/eparchy is to develop an outreach to every person who has been the victim of sexual abuse* as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred many years in the past. This outreach will include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy. In cooperation with social service agencies and other churches, support groups for victims/survivors and others affected by abuse should be fostered and encouraged in every diocese/eparchy and in local parish communities.

* Cf. c. 1395, §2. Notice that a sexual offense violative of §2 need not be a complete act of intercourse, nor should the term necessarily be equated with the definitions of sexual abuse or other crimes in civil law. "Sexual abuse [includes] contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child, and whether or not there is discernible harmful outcome" (Canadian Conference of Bishops, *From Pain to Hope*, 1992, p. 20). If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and, if necessary, the opinion of a recognized expert be obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). We also note that diocesan/eparchial policies must be in accord with the civil law.

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative will offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach by the bishop or his delegate will also be directed to faith communities in which the sexual abuse occurred.

ARTICLE 1. Dioceses/eparchies will have mechanisms in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses/eparchies will have a competent assistance coordinator to aid in the immediate pastoral care of persons who claim to have been sexually abused as minors by clergy or other church personnel. Dioceses/eparchies will also have a review board, the majority of whose members will be lay persons not in the employ of the diocese/eparchy. This board will assist the diocesan/eparchial bishop in assessing allegations and fitness for ministry, and will regularly review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can act both retrospectively and prospectively on these matters and give advice on all aspects of responses required in connection with these cases. The procedures for those making a complaint will be readily available in printed form and will be the subject of periodic public announcements.

ARTICLE 2. Dioceses/eparchies will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement.

AN INTERIM REPORT OF THE COMMISSION OF
THE UNITED STATES CONFERENCE OF BISHOPS
ON THE PROTECTION OF CHILDREN AND YOUNG PEOPLE

ARTICLE 4. Dioceses/eparchies will report an allegation of sexual abuse of a person who is a minor to the public authorities. They will cooperate in their investigation in accord with the law of the jurisdiction in question.

Dioceses/eparchies will cooperate with public authorities about reporting in cases when the person is no longer a minor.

In every instance, dioceses/eparchies will advise victims of their right to make a report to public authorities and will support this right.

ARTICLE 5. We repeat the words of our Holy Father in his Address to the Cardinals of the United States and Conference Officers: "There is no place in the priesthood or religious life for those who would harm the young."

When the preliminary investigation of a complaint (cc. 1717-1719) against a priest or deacon so indicates, the diocesan/eparchial bishop will relieve the alleged offender promptly of his ministerial duties (cf. c. 1722). The alleged offender will be referred for appropriate medical and psychological evaluation, so long as this does not interfere with the investigation by civil authorities. When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the priest or deacon.

Where sexual abuse by a priest or a deacon is admitted or is established after an appropriate investigation in accord with canon law, the following will pertain:

- Diocesan/eparchial policy will provide that for even a single act of sexual abuse (see Article 1, note *) of a minor—past, present, or future—the offending priest or deacon will be permanently removed from ministry. In keeping with the stated purpose of this Charter, an offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention.
- In every case, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; cf. Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). These provisions may include a request by the priest or deacon for dispensation from the obligation of holy orders and the loss of the clerical state, or a request by the bishop for dismissal from the clerical state even without the consent of the priest or deacon. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest or deacon.
- If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest.

ARTICLE 6 While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there will be clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with children and young people.

ARTICLE 7 Each diocese/eparchy will develop a communications policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, dioceses/eparchies will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors.

CONFERENCE OF BISHOPS

ARTICLE 8 To assist in the consistent application of these principles and to provide a vehicle of accountability and assistance to dioceses/eparchies in this matter, we authorize the establishment of an Office for Child and Youth Protection at our national headquarters. The tasks of this Office will include (1) assisting individual dioceses/eparchies in the implementation of "safe environment" programs (see Article 12 below), (2) assisting provinces and regions in the development of appropriate mechanisms to audit adherence to policies, and (3) producing an annual public report on the progress made in implementing the standards in this Charter. This public report shall include the names of those dioceses/eparchies which, in the judgment of this Office, are not in compliance with the provisions and expectations of this Charter. This Office will have staffing sufficient to fulfill its basic purpose. Staff will consist of persons who are expert in the protection of minors; they will be appointed by the General Secretary of the Conference.

ARTICLE 9 The work of the Office for Child and Youth Protection will be assisted and monitored by a Review Board, including parents, appointed by the Conference President and reporting directly to him. The Board will approve the annual report of the implementation of this Charter in each of our dioceses/eparchies, as well as any recommendations that emerge from this review, before the report is submitted to the President of the Conference and published. To understand the problem more fully and to enhance the

effectiveness of our future response, the National Review Board will commission a comprehensive study of the causes and context of the current crisis. The Board will also commission a descriptive study, with the full cooperation of our dioceses/eparchies, of the nature and scope of the problem within the Catholic Church in the United States, including such data as statistics on perpetrators and victims.

ARTICLE 10. The membership of the Ad Hoc Committee on Sexual Abuse will be reconstituted to include representation from all the episcopal regions of the country.

ARTICLE 11. The President of the Conference will inform the Holy See of this Charter to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to address this present crisis.

THE CHARTER OF THE FUTURE

ARTICLE 11 Dioceses/eparchies will establish “safe environment” programs. They will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children. Dioceses/eparchies will make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to sexual abuse.

ARTICLE 12 Dioceses/eparchies will evaluate the background of all diocesan/eparchial and parish personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they will employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513).

ARTICLE 13 When a cleric is proposed for a new assignment, transfer, residence in another diocese/eparchy or diocese/eparchy in a country other than the United States, or residence in the local community of a religious institute, the sending bishop or major superior will forward and the receiving bishop or major superior will review—before assignment—an accurate and complete description of the cleric’s record, including whether there is anything in his background or service that would raise questions about his fitness

for ministry (cf. National Conference of Catholic Bishops and Conference of Major Superiors of Men, *Proposed Guidelines on the Transfer or Assignment of Clergy and Religious*, 1993).

ARTICLE 15 The Ad Hoc Committee on Sexual Abuse and the Officers of the Conference of Major Superiors of Men will meet to determine how this Charter will be conveyed and established in the communities of religious men in the United States. Diocesan/eparchial bishops and major superiors of clerical institutes or their delegates will meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese/eparchy.

ARTICLE 16 Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.

ARTICLE 17 We pledge our complete cooperation with the Apostolic Visitation of our diocesan/eparchial seminaries and religious houses of formation recommended in the Interdicasterial Meeting with the Cardinals of the United States and the Conference Officers in April 2002. Unlike the previous visitation, these new visits will focus on the question of human formation for celibate chastity based on the criteria found in *Pastores Dabo Vobis* (1992). We look forward to this opportunity to strengthen our priestly formation programs so that they may provide God's people with mature and holy priests. Dioceses/eparchies will develop systematic ongoing formation programs in keeping with the recent Conference document *Basic Plan for the Ongoing Formation of Priests* (2001) so as to assist priests in their living out of their vocation.

In the midst of this terrible crisis of sexual abuse of young people by priests and bishops and how it has been dealt with by bishops, many other issues have been raised. In this Charter we focus specifically on the painful issue at hand. However, in this matter, we do wish to affirm our concern especially with regard to issues related to effective consultation of the laity and the participation of God's people in decision making that affects their well-being.

We must increase our vigilance to prevent those few who might exploit the priesthood for their own immoral and criminal purposes from doing so. At the same time, we know that the sexual abuse of young people is not a problem-inherent in the priesthood, nor are priests the only ones guilty of it. The vast majority of our priests are faithful in their ministry and happy in their vocation. Their people are enormously appreciative of the ministry provided by their priests. In the midst of trial, this remains a cause for rejoicing. We deeply regret that any of our decisions have obscured the good work of our priests, for which their people hold them in such respect.

It is within this context of the essential soundness of the priesthood and of the deep faith of our brothers and sisters in the Church that we know that we can meet and resolve this crisis for now and the future.

An essential means of dealing with the crisis is prayer for healing and reconciliation, and acts of reparation for the grave offense to God and the deep wound inflicted upon his holy people. Closely connected to prayer and acts of reparation is the call to holiness of life and the care of the diocesan/eparchial bishop to ensure that he and his priests avail themselves of the proven ways of avoiding sin and growing in holiness of life.

By what we have begun here today and by what we have stated and agreed to,

We pledge most solemnly to one another and to you, God's people, that we will work to our utmost for the protection of children and youth.

We pledge that we will devote to this goal the resources and personnel necessary to accomplish it.

We pledge that we will do our best to ordain to the priesthood and put into positions of trust only those who share this commitment to protecting children and youth.

We pledge that we will work toward healing and reconciliation for those sexually abused by clerics.

We make these pledges with a humbling sense of our own limitations, relying on the help of God and the support of his faithful priests and people to work with us to fulfill them.

Above all we believe, in the words of St. Paul as cited by Pope John Paul II in April 2002, that "where sin increased, grace overflowed all the more" (Rm 5:20). This is faith's message. With this faith, we are

confident that we will not be conquered by evil but overcome evil with good (cf. Rm 12:21).

This Charter is published for the dioceses/eparchies of the United States, and we bishops commit ourselves to its immediate implementation. It is to be reviewed in two years by the Conference of Bishops with the advice of the National Review Board created in Article 9 to ensure its effectiveness in resolving the problems of sexual abuse of minors by priests.

EXHIBIT “B”

SAINT MARY'S ABBEY & DELBARTON SCHOOL

MORRISTOWN, NEW JERSEY 07960

Office of the Abbot

July 5, 2002

Dear Parents, Alumni, Trustees and Friends:

Recent press reports have brought attention to new charges of sexual misconduct that affect St. Mary's Abbey and the Delbarton community, and revisited an old one. I write to familiarize past and present parents, alumni, trustees, and other friends of the Abbey and School with the status of the cases now in the papers, the process involved, and steps the School has taken over a period of years to ensure the safety of students at Delbarton.

While it is painful for us to see old wounds reopened and to confront new allegations, we are resolved to see the process through with openness, candor and fairness to all concerned. I begin with a summary of the cases of Father Timothy Brennan and Father Bruno Ugliano.

The Father Timothy Brennan Case

As has long been a matter of public record, a former student filed a sexual misconduct complaint in 1986 against Father Timothy Brennan concerning an incident that had occurred in 1984. At that time, Father Timothy, a teacher and guidance counselor at Delbarton, acknowledged criminal misconduct involving this student.

Upon learning of the allegations in 1986, Father Timothy was immediately dismissed from his position and admitted into a specialized medical treatment program in Maryland. The Abbey cooperated with prosecutors completely, a guilty plea was entered before the Superior Court, and pretrial intervention was approved as part of Father Timothy's sentence.

Under constant supervision and rehabilitative treatment, Father Timothy has never since resided at St. Mary's Abbey or been permitted to work with children. At the recommendation of his doctors and therapists, he ministered as a chaplain at a nursing home and hospital in Lakewood, NJ. He then moved to a monastery in Elmira, NY, where he had very limited ministerial duties.

That monastery is a more contemplative community, without an external apostolate such as a school or parish. He was relieved of all priestly duties in March of this year, and is currently in seclusion at a renewal center for sex offenders in the Midwest where all his activities are strictly supervised and monitored.

Beyond our direct responsibilities to the authorities at the time of the allegation, we were sensitive to the need for the greater community to know the facts. Delbarton issued a letter to

parents and responded openly to all media inquiries — all nearly two decades before the current climate of crisis began to force greater accountability in such difficult matters.

The Allegation Against Father Bruno Ugliano

Very recently, St. Mary's Abbey learned from the Archdiocese of Newark that a woman has named Reverend Bruno Ugliano in a complaint. Father Bruno vehemently denies the allegation, and is represented by personal counsel in the matter. When the allegation was made known to us, it had already been reported to the Union County Prosecutor's office.

As I conveyed to the press, not all allegations are alike, and we will not rush to precipitous judgments on incomplete evidence when the reputation and future of an individual hangs in the balance. Father Bruno is innocent until proven guilty. There have never been any other accusations against him in his 30 years as a priest. However, St. Mary's Abbey has recalled him from his post as Campus Minister at Rider University, in accordance with the wishes expressed by Bishop John M. Smith of the Diocese of Trenton.

I have also directed Father Bruno to suspend all public priestly duties pending resolution of the process. Although he may visit the Abbey occasionally, he will not reside here nor have unsupervised contact with students, and he will not be assigned any new duties until the investigation is completed. No adverse inferences should be drawn from these decisions.

The Process

The Union County Prosecutor's Office will investigate the charge against Father Bruno, along with similar charges against two other priests the woman has accused. Although the statute of limitations for criminal prosecution has passed, the Prosecutor's findings will be provided to the Archdiocese of Newark for evaluation.

The Abbey has asked its attorneys to pursue aggressively a complete review of the allegation, and we will decide on an appropriate course of action once all relevant information has come to light. We will rely heavily on the results of the evaluation by the Archdiocese Response Team in determining a proper course of action at that time.

The process being followed is substantially the one the Abbey has always followed whenever evidence of wrongdoing came to light. We have insured that the information has been provided to the prosecutor's office, and refrained from public comment out of respect for the alleged victims.

This was also the procedure in two other cases that were reported this week: a second allegation against Father Timothy, and a new allegation against a former Monk by an alumnus who was an adult at the time of the alleged misconduct. Both allegations date to the 1980s, and concern individuals who have long since left the campus and no longer reside in the state.

Steps Already Taken

Following the experience of the Brennan case in the mid-1980s, the Abbey conducted several administrative seminars on the responsibilities of those in authority. We believe that our highly visible response to that situation sent a strong message to our faculty and staff that misconduct would not be tolerated, many years before the current national scandal emerged.

More recently, the lessons we have learned — from our own experience and from recent disclosures throughout the country — were the basis for a new written policy adopted for the School by the Board of Trustees at its June 6, 2002 meeting. The rules apply to all faculty and staff, both monastic and lay.

The policy is comprehensive, clearly defining sexual harassment and abuse for the benefit of teachers, staff and pupils alike. It establishes a more systematic reporting structure, including the requirement that all staff report any knowledge of wrongdoing directly to the Headmaster. It provides for the creation of a dedicated personnel link to the New Jersey Department of Youth and Family Services.

Although the Order is autonomous in many respects, we will support the Charter for the Protection of Children and Young People by the U.S. Conference of Catholic Bishops adopted three weeks ago in Dallas. We will also support the policy on Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or other Church Personnel adopted at that same conference.

These various rules all aim for the same goals: the safety of those in our care, and the fulfillment of our ministry of education in an atmosphere of trust and the spirit of Christ. St. Mary's Abbey will meet to adopt the Charter in the coming weeks.

Lessons Learned

More than 15 years ago, Father Timothy's case was a painful signal that the impact of criminal behavior can go well beyond the harm inflicted upon a victim. It represents a serious breach of trust, both within the Delbarton family and between our community and the other citizens of Morris County.

Sadly, like many other communities in America, ours has been touched by the betrayal of trust which Pope John Paul II recently named a "mysterium iniquitatis."

Catholics, their leaders, and society at large are getting some very difficult new bearings in what is an extraordinarily painful process.

Even as the past is dredged up, school codes are being rewritten, just as workplace harassment codes were in the 1990s. The religious orders of the Catholic Church whose ministry is education have a particular duty to enforce those standards of moral decency and rectitude that are the foundation of their calling.

Our policy at St. Mary's Abbey and Delbarton School will continue to be one of zero tolerance toward sexual misconduct of any kind committed upon an adolescent, a student or anyone. As we have in the past, we will report past or present misconduct immediately to the appropriate legal authorities. Prompt canonical action will be taken as appropriate. Moreover, we endorse the report of the U.S. Catholic Conference of Bishops recently adopted at their Dallas meeting and will immediately endeavor to implement its recommendations.

We pray that the cases now being discussed are the last that directly affect our community, but we are no longer naïve. We acknowledge the possibility that additional victims of misconduct may come forward, as many others have long after the fact in other cases throughout the country.

It is important that the Abbey remain evenhanded and objective in its assessment of all allegations against its members. Only by remaining open and calm can the rights of the accused be balanced with the absolute need to protect our students.

Moreover, the policy of openness that we demonstrated in dealing with the news media fifteen years ago is the same policy we are pursuing today. While communication on these subjects is difficult, such efforts are essential for the preservation of trust and to the long-term reputation of both this monastic and educational community. To assist us in this effort, I would ask that you refer any calls from the media directly to me at my office. This is essential if the Abbey is to meet its responsibilities to alleged victims, to the accused while investigations are pending, and to the assurance of factual information.

The vast majority of priests, religious, teachers and coaches do some of society's most vital work honorably, with few worldly incentives but the dignity of their vocation. We recognize and accept our responsibility for the safety of those entrusted to our care. The policies being adopted and implemented, both here at the Abbey and throughout the nation, represent practical new advances in the prevention and reporting of wrongdoing against children. They spring from many months of prayer, research and discussion, and embody our commitment to the dignity and rights of all members of our community.

I now invite you to join me in fervent prayer that all who minister to children will renew their vigilance for their safety, and that all who have been hurt by any form of abuse will experience healing and peace.

Sincerely in Christ,

+ Thomas J. Confroy, O.S.B.

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